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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 BOBBY DARRELL COLBERT, )

9 Petitioner, )

10 v. )

11 JIM McDONALD, )

12 Respondent. )  
\_\_\_\_\_ )

CASE NO. C08-870RSL

ORDER DENYING FEDERAL  
HABEAS PETITION

13 The Court, having reviewed petitioner's petition for writ of habeas corpus, respondent's  
14 answer to the petition, the Report and Recommendation of the Honorable Brian A. Tsuchida,  
15 United States Magistrate Judge, and the petitioner's objection to Magistrates Report and  
16 Recommendation, does hereby find and Order:

- 17 (1) The Court adopts the Report and Recommendation.
- 18 (2) Petitioner's federal habeas petition (Dkt. No. 1) is DENIED and this action is  
19 DISMISSED with prejudice.
- 20 (3) The Clerk is directed to send copies of this Order to petitioner, to counsel for  
21 respondent, and to Judge Tsuchida.

22 DATED this 15<sup>th</sup> day of April, 2009.

23 

24 Robert S. Lasnik  
25 United States District Judge